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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,774	01/16/2002	Raymond T. Hsu	020106	1529
23596 7590 10/29/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER PHAN, JOSEPH T				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 10/29/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/051,774

**Applicant(s)**

HSU ET AL.

**Examiner**

JOSEPH T. PHAN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 65, 67-80, 82-92, 94-101 and 103-112 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65, 68, 72, 79, 80, 82, 83, 86, 87, 91 and 103-107 is/are allowed.
- 6) ☒ Claim(s) 73, 74, 92, 94, 95 and 98-101 is/are rejected.
- 7) ☒ Claim(s) 77 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

I. Applicant's arguments with respect to claims 65, 67-80, 82-92 and 94-101 have been considered and allowable subject matter indicated below.

It is noted that newly amended Independent claim 74 does not include the intervening limitation of claim 67.

### ***Allowable Subject Matter***

2. Claims 65, 68, 72, 79, 80, 82-83, 86, 87, 91, and 103-107 allowed

Claim 77 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and their intervening claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 73-74, 92, 95, and 100-101 rejected under 35 U.S.C. 102(a) as being anticipated by Sato et al. US Patent #7,254,409.

Regarding claims 73 and 74, Sato teaches means and method of broadcasting(Fig.24 and abstract), comprising: providing a service ID from an issuer to identify a broadcast service wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel(Fig. 25, col. 28 lines 16-39;

*the program title and radio channel number is the service ID of the program which identifies it's corresponding broadcast service), and further identifies availability of the broadcast service in an adjacent sector (col.29 lines 41-67);*

*sending the service ID from the content server to a base station, wherein the content server is not an adjacent sector base station(fig. 24 and 25; col.28 lines 16-39; the content server is not an adjacent sector base station; the program title and other terminal information as shown in fig. 25 is sent to other base stations such as base stations 110-2 - 110-7 of fig.24);*

*configuring a broadcast service parameters message at the base station that includes the service ID, (Fig.25, col.28 lines 16-39; Fig. 25 shows all of the parameters that are present including radio bases station number, program title, etc. The table is configured by a first base station and relayed to other adjacent base stations);*

*transmitting the broadcast service parameters message to a mobile station (120 Fig.24; the radio terminals receive this information transmitted from the radio base station); and using the service ID in the broadcast service parameters message at the mobile station to determine the availability of the broadcast service in the adjacent sector(col.29 lines 41-67).*

Regarding claim 101, Sato teaches wherein the BCMCS ID is a dual BCMCS\_ID comprising a global indicator to indicate uniqueness of the BCMCS\_ID, (Fig. 25, col. 28 lines 16-39).

Regarding claim 92, Sato teaches a method of receiving a broadcast at a mobile station (120) comprising: receiving a first broadcast service identified by a first service ID from a first base station sector, wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel (Fig. 25, col.

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*28 lines 16-39);*

receiving a broadcast service parameters message that includes a second service ID, wherein the second service ID uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel, and neighbor configuration data, wherein the second service ID identifies a second broadcast service available from a second base station sector, the first and second service IDs being received from a common issuer(*Fig. 25, col. 28 lines 16-39, col.29 lines 41-67*); examining the neighbor configuration data that relates to the second broadcast service, (*Fig. 25, col. 28 lines 16-39, col.29 lines 41-67*); and determining, based on the neighbor configuration data, whether the first service ID and the second service ID identify the same broadcast content whereby reception of the broadcast content is continued in the second base station sector(*Fig. 25, col. 28 lines 16-39, col.29 lines 41-67*).

providing a service ID from an issuer to identify a broadcast service wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel(*Fig. 25, col. 28 lines 16-39; the program title and radio channel number is the service ID of the program which identifies it's corresponding broadcast service*), and further identifies availability of the broadcast service in an adjacent sector (col.29 lines 41-67);

sending the service ID from the content server to a base station, wherein the content server is not an adjacent sector base station(*fig. 24 and 25; col.28 lines 16-39; the content server is not an adjacent sector base station; the program title and other terminal information as shown in fig. 25 is sent to other base stations such as base stations 110-2 - 110-7 of fig.24*);

configuring a broadcast service parameters message at the base station that includes the service ID, (*Fig.25, col.28 lines 16-39; Fig. 25 shows all of the parameters that are present including radio bases station number, program title, etc. The table is configured by a first base station and relayed to other adjacent base stations*); transmitting the broadcast service parameters message to a mobile station (*120 Fig.24; the radio terminals receive this information transmitted from the radio base station*); and using the service ID in the broadcast service parameters message at the mobile station to determine the availability of the broadcast service in the adjacent sector(col.29 lines 41-67).

Regarding claim 95, Sato teaches wherein the service ID is a globally unique service ID issued by a global issuer(*Fig. 25, col. 28 lines 16-39*).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 94, 98-99, and 101 rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Chang et al. US Patent Pub. 200210102967.**

Regarding claims 94, 98-99, and 101 while Sato teaches of receiving by the content server a service ID, Sato does not specifically teach of requesting by the content server the service ID.

However, Sato suggests this since the mobile terminal is requesting content and the content server must be able to request information if the content server is able to retrieve and transmit the

information to the mobile terminal.

Nonetheless, Chang teaches that it was well known in the art to request by a content server a service ID from a global/local issuer, (fig. 2; paragraphs 10-13). Chang further teaches dynamically generating a BCMCS\_ID and associating a lifetime value with the BCMCS\_ID, (paragraphs 9 and 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sato by requesting content from a global or local issuer and generating a BCMCS\_ID as suggested by Chang so that the content server can request data based upon the mobile terminal's needs.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/  
Examiner, Art Unit 2614